GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - PR&RD Department - Allegations of irregularities in the execution of C.C Road works under MGNREGS in Vizianagaram District taken up by PRI Division, Parvathipuram, Vizianagaram District – Disciplinary proceedings initiated against Sri K.Thavaitiraju, former Deputy Executive Engineer, PRISD, Bobbili - Charges held not proved in the regular enquiry - Government disagreed with the findings of I.A and communicated disagreement factors calling for representation – Representation received - Imposition of penalty of withholding of one increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 - Orders – Issued

---

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 218 **Dated: 15-04-2021**

Read the following:-

1. From the DG, V&E, Vigilance Report No. 12A (C.No. 481/V&E/E2/2014), dt: 30.08.2014.
2. G.O.Rt.No.945, PR&RD (Vig.I) Department, Dt.05.10.2015.
3. From ENC, PR, AP, Lr.No.Vig.I(1)/2779/2014, Dt.28.01.2016, 18.05.2016, 20.07.2016 & 31.10.2017.
4. G.O.Rt.No.960, PR&RD (Vig.I) Department, Dt.27.07.2018.
5. From SE, PR(FAC), Vizianagaram, Lr.Rc.No.52/2010/A1, Dt.28.11.2018.
6. Govt. Memo NO. 16076/Vig. I/2014, PR&RD (Vig. I) Department, Dt: 02.06.2020.
7. From the ENC,PR, Letter No. Vig. I(1)/ 2779/2914, dt: 27.10.2020.

-o0o-

ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegations of irregularities in the execution of C.C Road works under MGNREGS Programme for the financial year 2012-13 in Vizianagaram District, Government in the reference 2nd read above, have initiated departmental proceedings duly framing following article of charge against Sri K.Thavaitiraju, former Deputy Executive Engineer, PRISD, Bobbili, with a direction to submit his written statement of defence :

CHARGE:

That Sri K.Thaviti Raju, Deputy Executive Engineer, PRI Sub-division, Bobbili present PRI Kurupam Vizianagaram District has check measured and recommended for payment of inferior

P.T.O.,

quality CC road with M30 grade in the following works i.e**., (1)** Providing internal roads with CC drains in SC ST colonies 2012-13 in Piridi(H) of Piridi (GP) Est.Rs.6.40 lakhs **(2)** Providing internal roads with CC drains in SC ST colonies 2012-13 in Kunayavalasa(H) of Kunayavalasa (GP) Est.Rs.8.67 lakhs under MGNREGS programme for the financial year 2012-2013 in Parvathipuram division, Vizianagaram district and caused loss to Govt. for an amount of Rs.3,50,588/-.

2. In the reference 3rd read above, the Engineer-in-Chief, PR has submitted the written statement of defence of the charged officer Sri K.Thavaitiraju, Deputy Executive Engineer (PR). After examination of the matter, Government have decided to conduct regular inquiry into the charges framed against the charged officer Sri K.Thavaitiraju, Deputy Executive Engineer (PR) and also against nine (9) other co-charged officer involved in the case. Accordingly, Government in the reference 4th read above, have appointed the Superintending Engineer, Panchayat Raj, Vizianagaram District as Inquiry Officer for conducting enquiry against all the ten (10) charge officers.

3. In the reference 5th read above, the Inquiry Officer has submitted inquiry report, wherein the inquiry officer, among others, has given findings against the C.O. Sri K.Thavaitiraju, Deputy Executive Engineer (PR)as follows:-

Work No.3:-

QC inspection was carried out on 12-04-2013 & 04-11-2013 and given satisfactory report with recovery of Rs.4,979/- was proposed as recovery from the executing agency on the work, by the Dy.EE V&QC, Parvathipuram. The proposed recovery for Rs. 2,46,900/- by the V&E was got recovered by the Executive Engineer, PRI Division, Parvathipuram along with V&QC proposed recovery for Rs. 4,979/- and adjusted to CRD by the EE PRI Division, Parvathipuram , as such no financial loss caused to the Govt. The version of the C.O. in connection with deficiency in strength of CC Pavement executed with M30 grade is "due to lack of proper care in follow up action, such as procurement of materials as per specifications, water cement ratio, curing for 28 days and especially barricading to prevention of plying traffic during either execution or curing period is not possible in the village as there is no alternative ways to divert the traffic " and deficiencies in thickness of WBM & GSB as per site conditions are acceptable. Hence, the version of the C.0 is acceptable and charge held not proved. He may be exonerated from the charges.

Work No.4:-

QC inspection was carried out on 23-05-2013 & 30-11-2013 and given satisfactory report with recovery of Rs. 8348/- (3547/- + 4801/-) is proposed as recovery from the executing

Contd.. at P.3.,

agency on the work, by the Dy.EE V&QC, Parvathipuram. The proposed recovery for Rs. 1,26,722/- by the V&E was got recovered by the Executive Engineer, PRI Division, Parvathipuram along with V&QC proposed recovery for Rs. 8,348/- and adjusted to CRD by the EE PRI Division, Parvathipuram , as such no financial loss caused to the Govt. The version of the C.O. in connection with deficiency in strength of CC Pavement executed with M30 grade is "due to lack of proper care in follow up action, such as procurement of materials as per specifications, water cement ratio, curing for 28 days and especially barricading to prevention of plying traffic during either execution or curing period is not possible in the village as there is no alternative ways to divert the traffic " and deficiencies in thickness of CC drain bed, as per site conditions are acceptable. Hence, the version of the C.O is acceptable and charge held not proved. He may be exonerated from the charges.

4. The Government, have examined the enquiry report and observe that "the fact of recovery of amounts of Rs. 2,46,900/ for Work No. 3 and recovery of amount of Rs. 1,26,722/- for Work No. 4 itself indicates that there were deficiencies in the works in the first place. Further, the C.O himself has admitted that there was lock of proper care in follow up action as mentioned in the inquiry report. The recovery of the amount does not absolve the C.O from the irregularities committed. Being the next level field officer, he has not acted as per rules. He check measured and recommended for poor quality of work and thus the alleged irregularities deemed that the charge is proved. The Inquiring Authority, has recommended to 'exonerate' the C.O by exceeding his powers. In view of the above, it is considered that the charge against the Charged Officer is held proved in disagreement to the findings of Inquiry Officer.

5. Accordingly, in the reference 6th read above, Government have communicated the copy of the inquiry report of the Inquiry Officer dt: 28.11.2018 together with the above disagreement factors to Sri K.Thavaitiraju, Deputy Executive Engineer (PR) under Rule 21 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 with a direction to submit his representation in the matter.

6. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada, among others, has furnished the representation of Sri K.Thavaitiraju, Deputy Executive Engineer (PR) dt:11.9.2020, wherein the C.O has stated that as per G.O.Ms.NO.42, PR&RD (RD) Department, the Gram Panchayat Sarpanch is responsible. But he has not committed any irregularities. He being the Deputy Executive Engineer, having vast jurisdiction of 4 Mandals with multifarious duties.. The CC roads executed are good in condition as on the date and under public utility. He has requested to consider his representation and drop further action against him.

P.T.O.,

7. Government have examined the matter and observe that the contention of the charged officer that the Sarpanches are responsible for the lapses merit no consideration. The very objective of the Panchayat Raj Engineering Department is that the Engineering works that are being executed in Gram Panchayts ie,. either through Contractors or through any other agencies viz,. Sarpanches etc,. shall be executed strictly in accordance with norms, work estimates and technical specifications without any deviation. It is the primary task of the PR. Engg. Personnel to ensure the maintenance of quality in execution of works. When the works are executed under the administrative control of the PR Engg. Personnel, then they are only responsible for inferior quality of execution and the lapses regarding inferior quality of works executed could not be simply thrown on executive agencies viz., Contractors, Sarpanches etc., The recovery proposed by the V&E itself indicate that substandard execution was carried out. As such, the charged officer is responsible and his representation to drop further action is devoid of merits.

8. Accordingly, Government after careful examination of the matter, have decided and accordingly, hereby impose a penalty of stoppage of one (1) annual grade increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 against Sri K.Thavaitiraju, former Deputy Executive Engineer, PRISD, Bobbili in the matter.

9. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer in Chief, Panchayat Raj, Andhra Pradesh,
Vijayawada.
Sri K.Thavaitiraju, former Deputy Executive Engineer, PRISD,
Bobbili **through** Engineer in Chief, Panchayat Raj, A.P.,
Vijayawada.
(with a request to serve the order on the individual and furnish the dated acknowledgment copy)

Copy to:-
The Secretary to Vigilance Commission,
Andhra Pradesh Vigilance Commission, Velagapudi.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER